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NO. 4813 P. 2/11

NOV 16 2006

Practitioner's Docket No. NAI1P462/01.059.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Neil John Hursey et al.

Application No.: 09/912,391

Group No.: 2131

Filed: July 26, 2001

Examiner: Henning, Matthew T.

For: DETECTING E-MAIL PROPOGATED MALWARE

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed July 24, 2006, for a second time rejecting claims 1-4, 6-12, 14-20 and 22-28.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

11/17/2006 MWOLDGE1 00000030 501351 09912391

01 FC:1401 500.00 DA

11/17/2006 MWOLDGE1 00000030 09912391

02 FC:1251 120.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: 11-16-2006

April Skovmand
Signature

April Skovmand
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee \$120.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$500.00

Extension fee \$120.00

TOTAL FEE DUE \$620.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$620.00 to Deposit Account No. 50-1351(Order No.NAI1P462).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

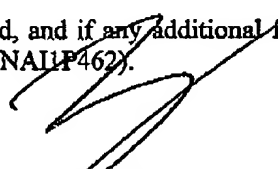
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351(Order No. NAI1P462).

Date: 11/16/06

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Signature of Practitioner
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